

**Moreno Valley Municipal Code**

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[Title 8 BUILDINGS AND CONSTRUCTION](#)**Chapter 8.80 RECYCLING AND DIVERSION OF CONSTRUCTION AND DEMOLITION WASTE**

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**8.80.010 Definitions.**

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The following words shall have the meaning indicated when used in this chapter:

“Compliance official” means the building official or his or her designee.

“Contractor” means any person or entity holding, or required to hold, a contractor’s license of any type under the laws of the state of California, or who performs (whether as contractor, subcontractor or owner-builder) any construction, demolition, remodeling, or landscaping service relating to buildings or accessory structures in Moreno Valley.

“Construction” means all building, landscaping, remodeling, addition, roadwork removal or replacement, removal or destruction involving the use or disposal of designated recyclable and reusable materials as defined in this chapter.

“Demolition and construction waste” means:

1. Discarded materials generally considered to be not water soluble and non-hazardous in nature, including but not limited to steel, glass, brick, concrete, asphalt material, pipe, gypsum, wallboard, and lumber from the construction, destruction, or reconstruction of a structure or infrastructure as part of a construction, demolition, or reconstruction project or from a renovation of a structure or infrastructure and/or landscaping, and including rocks, soils, tree remains, trees, and other vegetative matter that normally results from land clearing, landscaping and development operations for a construction project.

2. Clean cardboard, paper, plastic, wood, and metal scraps from any construction and/or landscape project.

3. De-minimis amounts of other nonhazardous wastes that are generated at construction or demolition projects provided such amounts are consistent with best management practices of the industry.

“Designated recyclables and reusable materials” means:

1. Masonry building materials including all products generally used in construction including, but not limited to asphalt, concrete, rock, stone, and brick.

2. Wood materials including any and all dimensional lumber, fencing or construction wood that is not chemically treated, creosoted, CCA pressure treated, contaminated or painted.

3. Vegetative materials including trees, tree parts, shrubs, stumps, logs, brush or any other type of plants that are cleared from a site for construction or other use.

4. Metals including all metal scrap such as, but not limited to, pipes, siding, window frames, doorframes and fences.

5. Roofing materials including wood shingles as well as asphalt, stone and slate based roofing material.

6. Salvageable materials includes all salvageable materials and structures including, but not limited to wallboard, doors, windows, fixtures, toilets, sinks, bath tubs and appliances.

“Franchise hauler” means a person, persons, firm or corporation authorized by contract with the city to provide residential, commercial or industrial (roll-off) refuse collection services within the city. (Ord. 706 § 3.2, 2006)

**8.80.020 Diversion requirements.**

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**A. Diversion Requirement.**

1. Demolition and Remodeling Debris. It is required that at least fifty (50) percent of waste tonnage from construction, demolition, and remodeling debris shall be diverted from the landfill. Demolition and remodeling projects must submit an acceptable waste management plan (WMP) as outlined in this chapter for approval prior to commencing the project.

2. New Construction (Residential, Commercial, and Industrial). It is required that the franchise hauler be used to assist in the design of a construction site management plan to divert cardboard, wood, pallets, and other recyclable materials from the site. The franchise hauler will be required to present an agreeable plan to the city staff and to report the amount of tonnage by material that has been recycled from each job site.

a. The franchise hauler will make its best effort to divert any and all recyclable materials by at least fifty (50) percent of waste tonnage to increase diversion on new residential, commercial, and industrial sites.

b. The franchise hauler will work with city staff to design an economically feasible collection system for the builder that increases diversion from construction sites and conforms to other city development requirements.

#### B. Diversion Requirement Exemption.

1. Application. If an applicant for a covered project experiences unique circumstances that the applicant believes make it infeasible to comply with the diversion requirements, the applicant may apply for a diversion requirement exemption at the time that he or she submits the WMP required under Section [8.80.030](#) of this chapter.

2. Meeting with Compliance Official. The compliance official shall review the information supplied by the applicant and may meet with the applicant to discuss possible ways of meeting the diversion requirement. Upon request of the jurisdiction, the compliance official may request that staff from the city of Moreno Valley attend this meeting. Based on the information supplied by the applicant and, if applicable, the city of Moreno Valley, the compliance official shall determine whether it is possible for the applicant to meet the diversion requirement.

3. Granting of Exemption. If the compliance official determines that it is infeasible for the applicant to meet the diversion requirements due to unique circumstances, he or she shall determine the maximum feasible diversion rate for waste materials to be generated and shall indicate the new diversion requirement the applicant shall be required to meet, and will inform the applicant, in writing, of the new requirement. The Applicant shall then have twenty-one (21) days to resubmit another WMP, which is in compliance with the new diversion requirement. If the applicant fails to resubmit, or if the resubmitted WMP does not comply with Section [8.80.030](#) of this chapter, the compliance official shall deny the WMP in accordance with Section [8.80.030](#).

C. Threshold. Every project shall be made available for deconstruction, salvage, and recovery prior to demolition. It shall be the responsibility of the applicant to recover the maximum feasible amount of salvageable designated recyclables and reusable materials prior to demolition. Recovered and salvaged designated recyclable and reusable material from every project shall qualify to be counted in meeting diversion requirements of Section [8.80.020\(B\)](#) of this chapter. Recovered or salvaged designated recyclables and reusable materials may be given away or sold on the premises, or may be removed to reuse facilities for storage or sale. (Ord. 706 § 3.2, 2006)

### **8.80.030 Waste management plan.**

A. Waste Management Plan Submittal Requirements. Prior to permit issuance, every applicant shall submit a properly completed “waste management plan” (WMP) to the compliance official, in a form prescribed by that official, as a portion of the building or demolition permit process. The completed WMP shall contain the following:

1. The estimated volume or weight of project waste to be generated by material type;
2. The maximum volume or weight of such materials that can be feasibly diverted via reuse and recycling;
3. The vendor(s) that the applicant proposes to use to haul the materials;
4. Facility(s) the materials will be hauled to, and their expected diversion rates;
5. Estimated volume or weight of construction and demolition debris that will be landfilled.

Because actual material weights are not available in this stage, estimates are used. In estimating the volume or weight of materials as identified in the WMP, the applicant shall use the standardized conversion rates approved by the city of Moreno Valley for this purpose. Approval of the WMP as complete and accurate shall be a condition precedent to the issuance of any building or demolition permit. If the maximum volume or weight of such materials that can be feasibly diverted via reuse or recycling, as estimated using city-approved standardized conversion rates, is less than the required diversion requirements, applicant must submit information that supports the lower projected diversion rate, or the WMP shall be deemed incomplete.

B. Waste Management Plan Approval. No building or demolition permit shall be issued for any covered project unless and until the compliance official has approved the WMP. Approval shall not be required, however, where emergency demolition is required to protect public health or safety. The compliance official shall only approve a WMP if he or she determines that all of the following conditions have been met:

1. The WMP provides all of the information set forth in this section.

2. The WMP indicates that at least fifty (50) percent of all construction and demolition debris generated by the project shall be diverted (or new diversion goal set in accordance with the applicant's approved diversion exemption request).

C. Waste Management Plan Nonapproval. If the compliance official determines that the WMP is incomplete or fails to indicate that at least fifty (50) percent of all construction and demolition waste material generated by the project will be reused or recycled, he or she shall either:

1. Return the WMP to the applicant marked "Denied," including a statement of reasons, which shall then immediately stop processing the building or demolition permit application, or
2. Return the WMP to the applicant marked "Further Explanation Required."

D. Waste Management Plan Exemptions. A waste management plan shall not be required for the following:

1. If the franchise hauler is used exclusively for debris/recycling removal from the site on a covered project. The franchise hauler shall submit a tonnage report to the city to verify the disposal and/or recycling tonnage collected from the site prior to the project completion;

2. New residential construction projects of one unit only;
3. Residential alterations of one unit only, except as noted in "4" below;
4. Roofing projects that do not include tear-off of existing roof;
5. Work for which only plumbing, electrical, or mechanical permits are required;
6. Seismic tie-down projects;
7. The installation or replacement of shelves;
8. Installation of pre-fabricated patio enclosures and covers where no foundation or other structural building modifications are required;
9. Installation of swimming pools and spas, provided that the exemption shall only apply to the area to be excavated for the installation of the pool or spa and the area for the pad for the pool/spa equipment that does not exceed three thousand (3000) square feet, and shall not apply to any related construction or alterations necessary for any other equipment or accessories, nor to any other portion of the project.
10. Installation of pre-fabricated accessories such as signs or antennas where no structural building modifications are required. (Ord. 706 § 3.2, 2006)

#### **8.80.040 On-site practices.**

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During the term of the covered project, the applicant shall recycle and reuse the required percentage of materials, and keep records of the tonnage or other measurements approved by the city that can be converted to tonnage amounts. The compliance official will evaluate and may monitor each covered project to determine the percentage of materials recycled, salvaged and recycled, or reused from the covered project. The required diversion of a minimum of the required percentage of the designated recyclable and reusable materials shall be measured separately with respect to the demolition segment and construction segment of a covered project where both construction and demolition are involved. To the maximum extent feasible, project materials shall be separated on-site if this practice leads to an increase diversion. For construction and/or demolition projects, on-site separation shall include salvageable materials (e.g., appliances, fixtures, plumbing, etc.) and dimensional lumber wallboard, concrete, and cardboard. (Ord. 706 § 3.2, 2006)

#### **8.80.050 Reporting.**

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A. Within thirty (30) days following the completion of the demolition phase of a covered project, and again within thirty (30) days following the completion of the construction phase of a covered project, the applicant shall, as a condition precedent to final inspection and to issuance of any certificate of occupancy, submit documentation to the compliance official that proves compliance with the requirements of Section [8.80.030](#) and Section [8.80.020](#) of this chapter. The documentation shall consist of a final completed WMP showing actual data of waste tonnage, supported by originals or certified photocopies of receipts and weight tags or other records of measurement from recycling companies, deconstruction contractors, and/or landfill and disposal companies. Receipts and weight tags will be used to verify whether materials generated from the site have been or are to be recycled, reused, salvaged, or disposed of. The applicant

shall make reasonable efforts to ensure that all designated recyclable and reuse materials salvaged or landfilled are measured and recorded using the most accurate method of measurement available.

B. To the extent practical, all construction and demolition debris shall be weighed in compliance with all regulatory requirements for accuracy and maintenance. For construction and demolition debris for which weighing is not practical due to small size or other considerations, a volumetric measurement shall be used. For conversion of volumetric measurements to weight, the applicant shall use the standardized conversion rates approved by the city for this purpose.

C. If a covered project involves both demolition and construction, the report and documentation for the demolition project must be submitted and approved by the compliance official before issuance of a building permit for the construction phase of a covered project. Franchise hauler disposal/recycling bins must be present on site prior to the start of any/all construction phase of the project. Alternatively, the applicant may submit a letter stating that no waste or recyclable materials were generated from the covered project, in which case this statement shall be subject to verification by the compliance official. Any penalty pursuant to Section [8.80.060](#) of this chapter shall be taken if the applicant does not meet the timely reporting requirements of this section. (Ord. 706 § 3.2, 2006)

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### **8.80.060 Violations—Penalties.**

Every person who violates any provision defined in this chapter, where the violation is the failure to achieve the diversion requirement applicable to the project and the construction and demolition materials from the project have already been landfilled, is guilty of a violation of this chapter and, upon conviction thereof, shall be punished in accordance with the provisions of Sections [1.01.200](#) through [1.01.230](#) of this code. (Ord. 706 § 3.2, 2006)

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